

**THOMAS R. RASK, III** OSB No. 934031

[trask@kelrun.com](mailto:trask@kelrun.com)

**JULIE PARRISH**, OSB No. 233864

[jparrish@kelrun.com](mailto:jparrish@kelrun.com)

Kell, Alterman & Runstein, L.L.P.

520 SW Yamhill Street, Suite 600

Portland, OR 97204

Telephone: 503-222-3531

Fax: 503-227-2980

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL FIRESTONE and LINDSAY  
BERSCHAUER, individually and as husband  
and wife; KATERINA EYRE, an individual;  
TAYLER HAYWARD, an individual; LISA  
LEDSON, an individual, THOMAS REILLY,  
an individual, and GERALD EARL  
CUMMINGS, II, an individual,

Case No: 3:24-cv-01034-SI

**DECLARATION OF THOMAS REILLY**

Plaintiffs,

v.

JANET YELLEN, in her official capacity as the  
Secretary of the United States Department of the  
Treasury, UNITED STATES DEPARTMENT  
OF THE TREASURY, and ANDREA GACKI,  
in her official capacity as Acting Director of the  
Financial Crimes Enforcement Network,

Defendants.

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Declaration of Thomas Reilly

**KELL, ALTERMAN & RUNSTEIN, L.L.P.**

ATTORNEYS AT LAW

520 SW YAMHILL, SUITE 600

PORTLAND, OR 97204

TELEPHONE (503) 222-3531

FACSIMILE (503) 227-2980

I, Thomas Reilly, make the following declaration under penalty of perjury pursuant to the laws of the United States:

1. I am over the age of 18, am under no legal disability, and am competent to testify. If called as a witness, I would and could testify competently to the facts set forth in this declaration based on my personal knowledge.

2. I am the organizer, registered agent and President S.D.A.S, Inc., an Oregon corporation that is subject to the requirements of the Corporate Transparency Act (“CTA”) and for which there is no exemption I can claim eligibility. S.D.A.S., Inc. does business under the name Same Day Auto Service and offers local auto repair services in my community. I am a beneficial owner of this entity.

3. My company operates wholly in the state of Oregon.

4. My company is not required to disclose the identities of its beneficial owners as a condition of registering to do business in Oregon.

5. As an entity registered with the Oregon Secretary of State prior to January 1, 2024, my company will be required to comply with the Corporate Transparency Act (“CTA”) and must file its beneficial ownership reports with the Financial Crimes Enforcement Network (“FinCEN”) no later than January 1, 2025.

6. I am also the President of the Oregon Small Business Association, a 501c4 entity with a political action committee, for which my company is a member and contributes to support political candidates and causes that align with my political beliefs.

7. I object to the CTA because in today’s climate of political retaliation, data leaks, and other misuse of the private information of Americans by the government, I have a reasonable fear that the sensitive information I am being compelled to provide to the Financial Crimes Enforcement Network will be used to retaliate against small business owners, like me, who engage in political speech through their business entities. Conversely, the CTA protects large corporations, who have unlimited speech protection to engage in public policy debates and in

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support of candidates and causes without this fear, because they were exempted by Congress when the CTA was drafted. This creates an equal protection issue for owners of small businesses whose First Amendment rights would be infringed upon if the CTA is not declared unconstitutional.

8. I object to the CTA because it violates my First and Fourth Amendment rights and does so by compelling me under threat of severe civil and criminal penalties, with no safe harbor for failing to make a CTA filing, even during the pendency of this litigation.

9. I object to the CTA because it allows my sensitive information to be shared in an unprecedented manner in that the CTA allows law enforcement to prospectively look for crime without so much as reasonable suspicion or probable cause.

10. As a small business advocate in Oregon, I object to the government's assertion that there is no reasonable expectation of privacy in our sensitive information, and that such information can be used to racially profile business owners in my state. For those reasons, I have joined in this litigation in opposition to the CTA.

11. My company has not filed any beneficial ownership reports with the Financial Crimes Enforcement Network, and I do not intend to disclose the identities of my companies' beneficial owners or those who could be classified as having substantial control (as defined by the CTA) absent a judicial declaration that it is required to comply with the CTA and its implementing regulations. This is because I object to the Act's restrictions on my First Amendment rights, and its invasion of my private papers and effects that have historically been protected by the Fourth Amendment. I further object on the basis that CTA, by design, would require me to be subject to unlimited civil penalties and the threat of imprisonment if I do not give over to the government information for which the government has no legal authority to compel from citizens for the law's stated purposes.

12. If forced to file reports with FinCEN, I would incur costs associated with compiling and reviewing records, including costs for legal services.

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13. It is my belief if joining this litigation that the CTA should be declared unconstitutional and all business owners subject to its requirements be free from being compelled to turn over their information to the government for the CTA's stated purposes.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/15/2024

Signed by:  
  
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Thomas Reilly